

630.00-10.1-A

DOCKET NUMBER CRP001CP3	ANTICIPATED CLASSIFICATION OF THE APPLICATION: CLASS SUBCLASS	PRIOR APPLICATION EXAMINER N. Nutter	ART UNIT 153
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MAIL ROOM
FEB 22 1991
PAT. & TRADEMARK OFF.

Commissioner of Patents and Trademarks
Box FWC
Washington, D.C. 20231

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3-29-91

This is a Request for filing a ☐ continuation-in-part ☒ continuation ☐ divisional application under 37 CFR 1.62 of prior application Serial No. 07/422,699 filed on 10/17/89 entitled OSTEOGENIC PROTEIN by the following named inventor(s).

FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

Ex Ten to 61

The above identified prior application in which no payment in the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (note: 37 CFR 1.60 may be used for applications where the prior application is not to be abandoned.)

- ☐ Enter the amendment previously filed on _____ under 37 CFR 1.116 but unentered, in the prior application.
- ☒ A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS		3 - 20 =	0	× \$ 12 =	\$ 0
INDEPENDENT CLAIMS		3 - 3 =	0	× \$ 34 =	0
MULTIPLE DEPENDENT CLAIM(s) (if applicable)				+ \$ 110 =	
				BASIC FEE	+ \$ 630.00
				Total of above Calculations =	630.00
Reduction by 1/2 for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28). If applicable, verified statement must be attached.					
				TOTAL =	630.00

3. ☐ The Commissioner is hereby authorized to charge fees under 37 CFR 1.17 which may be required, or credit any payment to Deposit Account No. _____

4. ☒ A check in the amount of \$ 630.00 is enclosed. *

5. ☐ A new oath or declaration is included since this application is a continuation-in-part which discloses and claims additional matter.

6. ☒ Amend the specification by inserting before the first line the sentence:

B1
This application is a ☐ continuation-in-part, ☒ continuation, ☐ division, of application Serial No. 07/422,699, filed October 17, 1989, *now abandoned,*

7. ☐ A verified statement claiming small entity status is enclosed. (necessary even if a statement was filed in the prior application.)

8. ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.

9. ☒ The prior application is assigned of record to Creative Biomolecules, Inc.

10. ☒ The power of attorney in the prior application is to: Edmund R. Pitcher, Registration No. 27,829, et al.

301
11. ☐ Also enclosed

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

601 Intellectual Property Department

602 Testa, Hurwitz & Thibault, Exchange Place

701 53 State Street, Boston, MA 02109

702
It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

February 22, 1991

Date

Edmund R. Pitcher

Signature

- ☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under §1.34(a)

* Please charge any additional fees and credit any overpayments to Deposit Account 12-0080.



07 660162

TESTA, HURWITZ & THIBEAULT

COUNSELLORS AT LAW
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CABLE: TESTA BOSTON

February 22, 1991

The Honorable Commissioner
of Patents and Trademarks
Washington, DC 20231

Re: Applicants: Oppermann, et al.
Serial No.: 07/422,699
Filed: February 22, 1991
For: OSTEOGENIC PROTEIN

Dear Sir:

Transmitted herewith for filing in the above-referenced case is a Request and Payment for a Three Month Extension of Time and a check for \$730.00 fee; a File Wrapper Continuation application with a check for \$630.00 to cover the filing fee; and a Preliminary Amendment.

If there are any additional fees which may be due in this matter please charge Deposit Account No. 12-0080.

Respectfully submitted,

Edmund R. Pitcher
Registration No. 27,829
Attorney for Applicants

Dated: February 22, 1991
Testa, Hurwitz & Thibeault
Exchange Place
53 State Street
Boston, MA 02109

187ERP2054/2.AA6



07 660162

"EXPRESS MAIL" Mailing Label No. FB487252238
Date of Deposit:

I hereby certify that the above-identified sheets are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

Susan D. Dellarocco

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